

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

**JONATHAN WOLFORD and
KENNETH MULLINS, JOSHUA McCOY,
and JAMES ADDAIR, Individually and
On Behalf of All
Others Similarly-Situated,**

Plaintiffs,

**CLASS ACTION AND
COLLECTIVE ACTION**

v.

Civil Action No. 1:24-cv-00028

**UNITED COAL COMPANY LLC,
WELLMORE COAL COMPANY, LLC,
and WELLMORE ENERGY COMPANY, LLC,**

JURY DEMANDED

Defendants.

**DEFENDANTS' MOTION TO COMPEL ARBITRATION AND
STAY THE LAWSUITS OF JONATHAN WOLFORD, JOSHUA MCCOY, AND JAMES
ADDAIR**

COME NOW Defendants United Coal Company LLC, Wellmore Coal Company, LLC, and Wellmore Energy Company, LLC (hereinafter collectively referred to as “Defendants”), by and through their undersigned counsel, and respectfully move this Honorable Court to compel the claims asserted by Jonathan Wolford (“Mr. Wolford”), Joshua McCoy (“Mr. McCoy”), and James Addair (“Mr. Addair”) pursuant to written arbitration agreements Mr. Wolford, Mr. McCoy, and Mr. Addair entered into with Wellmore Coal Company, LLC and to stay this action pending such arbitration.¹ In support of this Motion, Defendants have filed a Memorandum of

¹ Defendants note that they previously filed a Motion to Compel Arbitration and Stay the Lawsuit of Jonathan Wolford (ECF No. 13) and a Memorandum of Law in Support thereof (ECF No. 14) on August 12, 2024. Thereafter, an “Amended Class Action and Collective Action Complaint” was filed on September 3, 2024 (ECF No. 24) adding named plaintiffs, including Mr. McCoy and Mr. Addair. As the Amended Complaint is now the operative Complaint in this action, Defendants renew their motion to compel arbitration of the claims asserted by Mr. Wolford and hereby further move to compel arbitration of the claims asserted by the newly-designated Plaintiffs Mr. McCoy and Mr. Addair.

Law contemporaneously herewith and incorporate the arguments contained therein by reference.

WHEREFORE, Defendants United Coal Company LLC, Wellmore Coal Company, LLC, and Wellmore Energy Company, LLC respectfully request that this Court enter an Order enforcing Mr. Wolford's, Mr. McCoy's, and Mr. Addair's agreements to arbitrate, compelling Mr. Wolford, Mr. McCoy, and Mr. Addair to arbitrate their claims against Defendants, and staying Mr. Wolford's, Mr. McCoy's, and Mr. Addair's actions pending such arbitration.

Respectfully submitted this 17th day of September, 2024.

**UNITED COAL COMPANY LLC,
WELLMORE COAL COMPANY, LLC,
and WELLMORE ENERGY COMPANY, LLC,**

/s/ Peter J. Raupp

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of September, 2024, I filed this *“Defendants’ Motion to Compel Arbitration and Stay the Lawsuits of Jonathan Wolford, Josha McCoy, and James Addair”* by using the CM/ECF system which will send notification of such filing to the following counsel of record:

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